IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1220 OF 2006
IN
SUIT NO.3463 OF 1996

Joshi Metha & Associates ....Plaintiff
V/s.
Saraswati V. Ankal & Anr. ....Defendants

Ms.U.K.Shah i/b Mr.K.D. Shah for the Plaintiff.
Mr.P.N. Patwardhan for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 27TH NOVEMBER, 2006.

P.C. :

1. The Defendants are occupying the suit premises. In view thereof irrespective of the disputes between the parties regarding title thereto, the Defendants must pay the society's outgoings in respect thereof.

2. In the circumstances, pending the hearing and final disposal of the suit, the Defendants shall pay all the arrears of the dues of the society on or before 1.3.2007. The Defendants however shall not, at this stage, be liable to pay interest thereon at the rate higher than 6% p.a. The Defendants shall also hereinafter continue to pay all the society outgoings

as and when they fall due.

3. In the event of the society refusing to accept the payment from the Defendants, the Defendants shall deposit the same in this Court. The Plaintiff shall be at liberty to withdraw the said amount upon furnishing proof to the Prothonotary and Senior Master that the Defendants have paid the like amounts to the society towards the dues of the society in respect of the suit flat.

4. Liberty to the Defendants to apply in the event of the society insisting on interest at a rate higher than 6% p.a. in respect of the arrears.

5. The Notice of Motion is accordingly disposed of.